

Federal Communications Commission

DA 00-395

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DISCLOSURE
Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. 99-208
Table of Allotments,) RM-9627
FM Broadcast Stations.)
(Melba, Idaho))

REPORT AND ORDER
(Proceeding Terminated)

Adopted: February 16, 2000

Released: February 25, 2000

By the Chief, Allocations Branch:

1. Before the Commission for consideration is the Notice of Proposed Rule Making ("Notice"), 14 FCC Rcd 9043 (1999), issued in response to a petition for rule making filed by Mountain West Broadcasting ("petitioner") proposing the allotment of Channel 260C2 to Melba, Idaho, as that locality's first local aural transmission service. Petitioner filed comments in response to the Notice. FM Idaho Co. ("FM Idaho") also filed responsive comments. No other comments were received.

2. As stated in the Notice, the proposed allotment of Channel 260C2 to Melba requires a site restriction 31.8 kilometers (19.8 miles) southwest of the community to comply with the minimum distance separation requirements set forth in Section 73.207(b) of the Commission's Rules. However, as compliance with the site restriction would require to transmitter for Channel 260C2 to be located near the outer limits for a Class C2 station,¹ the Commission sought further engineering information from the petitioner to provide evidence that its proposal could comply with the requirements of Section 73.315 of the Commission's Rules.

3. Petitioner's comments reiterate its intention to apply for Channel 260C2 at Melba. In response to the Commission's request in the Notice for additional engineering showings, petitioner provided a predicted coverage map purportedly to demonstrate that based upon the use of a site at coordinates 43-08-30 NL and 116-51-30 WL, 70 dBu service would be provided to Melba. Further, petitioner claims that from the referenced site the use of a tower height of less than 200 feet would provided the required coverage to that community.

4. FM Idaho disputes petitioner's engineering showing. Initially, FM Idaho's engineering consultant provided a comprehensive study to demonstrate that only a small area exists at coordinates 43-30-00 NL and 116-30-30 WL, within which Channel 260C2 could be sited in compliance with the technical requirements of the Commission's Rules. It is reported, however, that the technically acceptable transmitter site is located on land owned by the U.S. government and administered by the

¹ The maximum allowable distance for the provision of a 70 dBu signal by a Class C2 station is 32.6 kilometers (20.2 miles).

Bureau of Land Management ("BLM"). Further, FM Idaho provided a letter from the Owyhee Area Realty Specialist of the Boise field office of the BLM, stating that the proposed referenced transmitter site for the Melba allotment is unavailable and unsuitable for an electronics site. According to the BLM, there is no electrical power to the site, and therefore the cost of providing it would be prohibitive. Additionally, BLM advises that as a prerequisite to consideration of a communications site on land administered by the Department of the Interior, environmental studies and clearances must be requested before any decision could be rendered as to the suitability of establishing a communications site. FM Idaho also reports that the area to accommodate Channel 260C2 lies within a wilderness area in which there is no road access, making it unbuildable.

5. Additionally, FM Idaho's engineering consultant asserts that neither the sources nor the methodology the petitioner utilized in generating its predicted coverage map was revealed, and no supporting data was supplied. FM Idaho urges denial of the proposal to allot Channel 260C2 to Melba, Idaho, based upon the inadequacy of the petitioner's engineering study to demonstrate that there is an available site from which the technical requirements of the Commission's Rules could be met, in addition to the failure to take into account the BLM wilderness-area circumstances.²

6. At the allotment stage the Commission assumes omnidirectional signals operating at maximum facilities for all classes of stations except Class C stations.³ A staff review of petitioner's predicted coverage map reveals that its analysis appears to be based on projected terrain effects on signal propagation rather than omnidirectional contours. Therefore, petitioner's study is not acceptable to demonstrate compliance with the requirements of Section 73.315 of the Commission's Rules. Moreover, had petitioner's predicted coverage map been acceptable, it failed to provide a frequency spectrum study to demonstrate that from the suggested coordinates 43-08-30 NL and 116-51-30 WL, compliance with the requirements of Section 73.207(b) could be met. On the basis of the foregoing, we find that it would not serve the public interest to allot Channel 260C2 to Melba, Idaho.

7. In view of the above, IT IS ORDERED, That the petition of Mountain West Broadcasting proposing the allotment of Channel 260C2 to Melba, Idaho (RM-9627), IS DENIED.

8. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

² FM Idaho cites to Amelia, Louisiana, 12 FCC Rcd 13930, 13931 (Allocations Branch 1997) (proposed allotment denied where intended transmitter site was located in a swampland and no fully-spaced sites were obtainable); Moncks Corner, Kiawah Island and Sampit, North Carolina, 11 FCC Rcd 8630, 8636 (Allocations Branch 1996) (proposed upgrade denied where referenced transmitter site was located in a marshy area near an airport, and no suitable or available transmitter sites existed); Sebring and Miami, Florida, 10 FCC Rcd 6577, 6578 (Allocations Branch 1995) (proposed allotment denied in the absence of a transmitter site that would meet applicable FAA criteria and FCC technical requirements).

³ For Class C stations we assume omnidirectional signals based on the use of actual facilities.

9. For further information concerning the above, contact Nancy Joyner, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

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